

## R E M A R K S

Applicants perceive that there were three issues that concerned the Examiner in the claims considered so far: (1) whether what was claimed is statutory, (2) whether what was claimed is supported by the specification, and (3) whether what was claimed is not obvious in view of the cited prior art. Although applicants do not agree with the Examiner regarding the now-canceled claims, a new attempt is made herein to craft claims that are clearer and more clearly supported by the specification.

### Statutory subject matter (35 USC 101)

The first independent claim specifies a method. The method accepts data records from a network, processes the records, and displays results of the processing on a physical display. This claim does not deal with abstract ideas, laws of nature or natural phenomena; rather, it is a real-life method for manipulating signals received from a network so that conclusions can be reached which are useful in operating the network. The claimed method can be implemented in a platform that consists of nothing but special purpose hardware elements. The fact that the claim specifies modules that are not limited to hardware modules does not make claim non-statutory. The PTO Guidelines for examination of computer implemented inventions effectively state that a series of specific operations steps to be performed on or with the aid of a computer is a statutory process. This is precisely the case here.

The second independent claim is an apparatus claim. It specifies, in a Jepson-type format a visualization platform that includes a data collector element for collecting real-time data from a network, a physical display coupled to the visualization platform, and a collection of software modules for processing the data and displaying results of the processing. The aforementioned PTO Guidelines effectively states that a computer or other programmable apparatus whose actions are directed by a program or other form of software is a statutory machine. This is the case here, and even more so because the claim not only specifies the programmable apparatus (the platform) but also specifies the coupled physical display.

Support (35 USC 112, first paragraph)

Applicants believe that there is sufficient support in the specification for the claims. To assist the Examiner, claim 18 is copied below, with references in parenthesis to specification text/FIGS. that support the claim language. It is believed that the apparatus claim is similarly supported.

*18. A method executed in a visualization platform (page 3, line 21) that includes physical display (page 4, lines 70-71) coupled to the visualization platform, a data collector element (element 201) for collecting real-time data from a network, a visualization interface element (element 203), and an aggregation element interposed between the data collector module and the visualization interface module (element 202), characterized by:*

*said data collection element includes a schema file (page 6, line 113 – last two words) that includes an entry for each of a plurality of data record types (page 6, sentence that begins at line 112), each entry specifying a data record format of an ordered set of fixed-length fields (page 6, lines 115-127), and the collection module is constructed to*

- receive data records of said types (page 6, lines 109-114),*
- if a received data record is of variety A, store the received data record in a storage medium with an association to said corresponding entry of said schema file, where a variety A data record is a record with an ordered fixed-length fields format that correspond to an entry of said scheme file (page 6, lines 109-114);*
- if a received data record is of variety B, convert the received data record to an ordered fixed-length fields format that correspond to an entry of said scheme file and store in a storage medium the converted data record with an association to said corresponding entry of said schema file, where a variety B data record is a record that does not have an ordered fixed-length fields format that correspond to an entry of said scheme file (page 6, lines 109-114); and*

*said aggregation element includes processing modules that process said records (hereinafter, DDS tools) (page 8, lines 151-154), and processing modules that process aggregates of said records (hereinafter, AGGR tools) (page 8, lines 151-154), and*

*processes streams that contains pluralities of said records in a pipeline manner (page 8, lines 160-161- one of 7 references to pipelining), and*

*said visualization interface element is constructed to display information generated by one or more of said AGGR tools on said display (FIGS. 1, 6, and 7).*

Obviousness (35 USC 103)

It is believed that the subject claims are not obvious in light of the cited references, but since these are new claims that have not been examined, it probably is best to allow the Examiner to carry out a new search and examination without commenting at this time.

In light of the above amendments and remarks, applicants respectfully request reconsideration and allowance of the submitted claims.

Respectfully,  
Emden Gansner  
Eleftherios Koutsofios  
Stephen Charles North  
Russell N. Truscott

Dated: \_\_\_\_\_

2/11/08

By \_\_\_\_\_



Henry T. Brendzel  
Reg. No. 29,844  
Phone (973) 467-2025  
Fax (973) 467-6589  
email [brendzel@comcast.net](mailto:brendzel@comcast.net)